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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,926	09/19/2003	Victor W. Lee	Master Cutlery, Inc. - 1	7063

7590 04/28/2005

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/665,926	Applicant(s) LEE, VICTOR W.	
	Examiner Hwei-Siu C. Payer	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10, 12-16 and 21 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 9 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## Detailed Action

The amendment filed on 3-16-2005 has been entered.

### Claims Objection

Claims 9 and 17-20 are objected to because of the following informalities:

- (1) In claim 9, line 4, "first" should read --second--.
- (2) In claims 17, 18 and 19, line 1, "wherein" should read --further comprising--.
- (3) In claims 17 and 18, line 2, "the first knife is comprised of" should read --providing the first knife with--.
- (4) In claims 17 and 18, line 3, "wherein the third plate has a portion which flexes" should read --flexing a portion of the third plate--.
- (5) In claim 19, line 2, "the third plate has a portion which flexes" should read --flexing a portion of the third plate--.
- (6) In claim 20, line 11, "the opening" should read --configuring the opening--.
- (7) In claim 20, line 11, "has" should read --to have--.

Appropriate correction is required.

### Claim Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. Patent No. 4,908,947) in view of Cassady (U.S. Patent No. 1,165,226).

Schaub discloses an apparatus comprising a first knife (see Fig.1); a second knife (see column 21, lines 7-12); wherein the first knife including a first attachment device (8); wherein the second knife including a second attachment device (11); wherein the second attachment device (11) can be inserted into the first attachment device (8) to attach the first knife to the second knife **in a state of alignment with respect to each other**; and wherein the first attachment device (8) and the second attachment device (11) can be detached to each other to detach the first knife from the second knife substantially as claimed except for the method of attaching the two knives together.

Specifically, Schaub's two knives are attached to each other by parallel sliding motion rather than by rotating motion.

However, it is notoriously old and well known in the art to attach two elements by placing the two elements at an angle and then rotating the two until they snap together as evidenced by Cassady.

Therefore, it would have been obvious to one skilled in the art at the time this invention was made to attach Schaub's two knives by rotating motion. The modification

is obvious since it would only involve selecting one known method for another for attaching two elements together.

#### **Indication of Allowable Subject Matter**

1. Claims 1-8, 10, 12-16 and 21 are allowed.
2. Claims 9 and 17-20 are objected to but would be allowable if amended to overcome the objections as set forth.

#### **Remarks**

Applicant's arguments filed 3-16-2005 have been fully considered but they are not persuasive. Applicant argues, at page 17 of the amendment, Schabu does not disclose rotating the first knife with respect to the second knife, and Cassady does not disclose rotating the blade 11 with respect to the blade 10 to case the blade 11 and blade 10 to snap together in a state of alignment.

In response, Examiner agrees Schabu does not teach rotating the first knife with respect to the second knife. However, it is it is notoriously old and well known in the art to attach two elements by placing the two elements at an angle and then rotating the two until they are attached to each other as evidenced by Cassady.

Therefore, it would have been obvious to one skilled in the art at the time this invention was made to attach Schaub's two knives by a well-known method such as that

of Cassady's. Further, Schabu as modified has the two blades snap together in a state of alignment with respect to each other.

#### **Action Made Final**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer  
April 27, 2005

*H Payer*

**Hwai-Slu Payer**  
**Primary Examiner**